

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

ELIDA ORTEGA,

Plaintiff,

v.

**MCALLEN SPECIALTY
SURGICAL CENTER, LTD.,**

Defendant.

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CIVIL ACTION NO. 7:21-CV-00189

DEFENDANT’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441(a), Defendant McAllen Specialty Surgical Center, Ltd. (“Defendant”) removes the Petition filed by Plaintiff Elida Ortega (“Plaintiff”) in the County Court at Law No. 10 of Hidalgo County, Texas as follows:

1. On April 13, 2021, Plaintiff filed a petition in an action entitled *Elida Ortega v. McAllen Specialty Surgical Center, Ltd.*, in the County Court at Law No. 10 of Hidalgo County, Texas; Cause No. CL-21-1561-J (the “State Court Action”). Plaintiff filed her petition in the State Court Action alleging wrongful discharge under the Age Discrimination in Employment Act (“ADEA”); Older Workers Benefit Protection Act (“OWBPA”); Americans with Disabilities Act (“ADA”), the ADA-AA, as amended; and Title VII of the Civil Rights of 1964, as amended.

2. Defendant’s Index of State Court Documents for Removal is attached as Exhibit A. True and correct copies of Plaintiff’s Original Petition, and any other pleadings or orders on file in the State Court Action are attached hereto as Exhibits A-1 through A-5.

3. Defendant has not yet been served, but on May 10, 2021, counsel for Defendant accepted service on behalf of Defendant pursuant to Federal Rule of Civil Procedure 4(d). This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

4. Removal of this action is proper under 28 U.S.C. § 1331 because this is a civil action asserting claims under the laws of the United States over which the federal district courts would have original jurisdiction had the action been brought in federal court.

5. Defendant has or will promptly file a true and correct copy of this Notice of Removal with the Clerk of the County Court at Law No. 10 of Hidalgo County, Texas, as required by 28 U.S.C. § 1446(d).

6. For these reasons, Defendant requests that the above-styled action, pending in the County Court at Law No. 10 of Hidalgo County, Texas, be removed to the United States District Court for the Southern District of Texas, McAllen Division.

Respectfully submitted,

By: /s/ Victor N. Corpuz
Victor N. Corpuz
Texas State Bar No. 04838450
victor.corpuz@jacksonlewis.com
Raha Assadi
State Bar No. 24105444
raha.assadi@jacksonlewis.com
JACKSON LEWIS P.C.
500 N. Akard, Suite 2500
Dallas, Texas 75201
Telephone: (214) 520-2400
Fax: (214) 520-2008

ATTORNEYS FOR DEFENDANT
MCALLEN SPECIALITY SURGICAL
CENTER, LTD.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served by filing with the ECF filing system on May 14, 2021, which will cause service to be made upon the following:

Carlos E. Hernandez, Jr.
LAW OFFICES OF JOSE G. GONZALEZ
4129 N. 22nd Street, Suite 3
McAllen, Texas 78504

ATTORNEY FOR PLAINTIFF
ELIDA ORTEGA

By: /s/ Victor N. Corpuz